

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Kathy Merrick

v.

Civil No. 11-cv-447-PB

Town of Dublin, et al.

O R D E R

The parties' Proposed Discovery Plan (doc. no. 5) is granted with the following modifications:

Third Party Actions: due on or before December 1, 2011.

Electronic Discovery: The parties' statement regarding electronic discovery is inadequate and must be supplemented. The parties are ordered to meet and confer and file, on or before November 29, 2011, a joint motion to supplement the discovery plan that outlines more specifically their plans/agreements with respect to electronic discovery. The court refers the parties to the following outline of potential issues to discuss:

1. Preservation. Counsel should attempt to agree on steps the parties will take to segregate and preserve ESI in order to avoid accusations of spoliation.
2. E-mail Information. Counsel should attempt to agree on the scope of e-mail discovery and e-mail search protocol.
3. Back-up and Archival Data. Counsel should attempt to agree on whether responsive back-up and archival data exists, the extent to which back-up and archival data is reasonably accessible, and who will bear the cost of obtaining such data.

4. Format and Media. Counsel should attempt to agree on the format and media to be used in the production of ESI, and whether production of some or all ESI in paper form is agreeable in lieu of production in electronic format.
5. Reasonably Accessible Information and Costs. Counsel should attempt to determine if any responsive ESI is not reasonably accessible, i.e., is accessible only by incurring undue burdens or costs.

Trial: Two-week trial period beginning November 6, 2012.

In light of the court's approval of the bulk of the parties' proposed discovery plan, the pretrial conference currently scheduled to occur on November 15, 2011, is no longer necessary and is cancelled.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

November 9, 2011

cc: Stephen T. Martin, Esq.
Andrew B. Livernois, Esq.
Brian J.S. Cullen, Esq.